

US DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FILED

JUN 28 2013

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

CHRIS R. JOHNSON, Clerk
By _____
Deputy Clerk

GEORGE C. ROBINSON, ET AL

PLAINTIFFS

V.

CASE NO. 2:02-CV-02282

OPTION ONE MORTGAGE CORPORATION

DEFENDANT

BRIEF IN SUPPORT OF RENEWED MOTION FOR DEFAULT JUDGMENT

Plaintiffs filed the original Motion for Default Judgment as requested by this Court because this Court agreed that : "Although there is proof of service of process, the following defendant (s) have failed to plead or otherwise defend the claim of the plaintiff (s) in the prescribed time :

Option One Mortgage Corporation

Option One Mortgage Corporation has added a secondary name which appears as follows: Option One Mortgage Corporation/ Sand Canyon. But for purposes herein Plaintiffs shall refer to Defendant as Option One Mortgage Corporation, which is consistent with Defendant's name already on file at this Court. Plaintiffs did not file for a clerk's default judgment because Plaintiff's were not sure about "reasonable attorney fees", Court cost etc. Plaintiffs moved the Court for Default Judgment, on May 23, 2003. But Plaintiff's Motion for Default Judgment was stayed on May 27, 2003, by the Court's **ORDER of ADMINISTRATIVE TERMINATION.**

For further briefing, please see and incorporate Plaintiff's Brief in Support of Motion for Default Judgment filed May 23, 2003. Also see the Court's "NOTICE OF DEFAULT PROCEDURES UNDER FRCP 55", listed as Exhibit "A" and attached herein.

Finally, Option One Mortgage Corporation has failed to appear and plead and otherwise defend in this case as provided by the Rules of F. R. C. P., and that has been made clear by the Court. Therefore, as a matter of law and pursuant to Rule 55, of F. R. C. P., Default Judgment should be entered against Option One Mortgage Corporation.

Respectfully submitted,
George C. Robinson
2004 Nth 47th Circle

Fort Smith, Ar. 72904

479-420-5267

By: George C. Robinson
George C. Robinson

Certificate of Service

I George C. Robinson, a Plaintiff herein, do certify that a true and correct copy of Plaintiff's BRIEF IN SUPPORT OF RENEWED MOTION FOR DEFAULT JUDGMENT, has been mailed to Option One Mortgage Corporation/Sand Canyon, and their legal counsel at the addresses below by way of U.S. certified mail with return receipt, on July 2, 2013.

By: George C. Robinson
George C. Robinson
2004 Nth 47th Circle
Fort Smith, Ar. 72904
479-420-5267

Option One Mortgage Corporation/Sand Canyon
7595 Irvine Center Drive, Suite 100
Irvine CA. 92618
United States

The Farrar Firm
Attorneys At Law
First National Bank Building, Third Floor
135 Section Line Road, #5
Hot Springs National Park, Arkansas 71913

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS

U. S. DISTRICT COURT
WESTERN DISTRICT ARKANSAS
FILED

NOTICE OF DEFAULT PROCEDURES UNDER FRCP 55

APR 10 2003

FAILURE TO PLEAD OR DEFEND CLAIM OF PLAINTIFF(S)

CHRIS R. JOHNSON, CLERK

BY

DEPUTY CLERK

Date: April 10, 2003

To: David L. Dunagin, Esq.
Attorney at Law
P.O. Box 41
Fort Smith, AR 72902

Re: Case # 2:02-cv-02282

GEORGER C. ROBINSON, ET AL V. OPTION ONE MORTGAGE CORPORATION

Although there is proof of service of process in the file or signed waiver of service of process, the following defendant(s) have failed to plead or otherwise defend the claim of the plaintiff(s) in the prescribed time:

Option One Mortgage Corporation

Return the attached Affidavit in Support of Default (one for each defendant) within 14 days in order that we may enter the defendant(s)' default, FRCP 55(a). In addition, within the same time period, move for default judgment either by the clerk or the court, FRCP 55(b).

A clerk's default judgment can be entered only as to a "sum certain or a sum which can by computation be made certain." If any of the relief sought in the complaint is not for a sum certain as, for example, "reasonable attorney fees," then a clerk's default judgment is not proper and you should move the court for a default judgment.

If you seek a clerk's default, attach an affidavit (of someone with personal knowledge) of the amount due. If you move the court for a default judgment, attach any proper affidavits and prepare a default judgment for the judge's signature.

FAILURE TO RETURN THE AFFIDAVIT IN SUPPORT OF DEFAULT AND/OR TO MOVE FOR DEFAULT JUDGMENT WITHIN THE PRESCRIBED TIMES MAY RESULT IN A DISMISSAL FOR FAILURE TO PROSECUTE.

AT THE DIRECTION OF THE COURT

CHRISTOPHER R. JOHNSON, CLERK

By:

Chris R. Johnson
Deputy Clerk